



History of the Blanket Primary in Washington

The method of nominating partisan candidates for public office and the structure of the primary in Washington State have been the subjects of controversy and legislation throughout the last one hundred years. The current dispute about the blanket primary is related to these past changes in the nominating process.

From 1890 (the first election after statehood) to 1907, candidates for partisan offices were nominated by party conventions or by petition. The laws in Washington at this time were similar to those of most other states.

In 1907, the state Legislature established a "direct primary" for partisan candidates of political parties for which at least one candidate received ten percent of the vote for a statewide office at the last general election (major political parties). Minor political parties continued to nominate their candidates at conventions. Separate ballots were printed for each party and voters "declared" party affiliation at the time of voting. This change was part of a series of "populist reforms" that were advocated in the early 1900's throughout America as a remedy to perceived abuses by political party machines.

Some political scientists classify this form of nominating system as a "closed primary" because the voter is required to publicly declare party affiliation and receives the ballot of only one party at the primary. Others classify this as an "open primary" because voters do not declare party affiliation at the time they register to vote. Washington did not have voter registration in all areas of the state until 1934. In those areas where voters were registered, they were not required to state a political party at the time of registration. This style of open primary – with public declarations of party affiliation – is distinct from the style of open primary used in Wisconsin, Montana, and some other states where the voter receives a primary ballot for each major party and makes a private choice about which ballot to vote.

This open primary system – with some minor variations - was used in Washington until 1935. In 1921, the state Legislature adopted two new statutes affecting political parties and primary nominations. One of these regulated political party caucuses and conventions and the election of political party officers (Chapter 176, Laws of 1921). The other required voters to declare their political party affiliation when they registered to vote or at the time they voted at the primary and restricted voters to the ballot that party at the primary.

Opponents of these changes filed referendums against both new laws and collected enough signatures to have both measures appear on the general election ballot in 1922. The results of the election on the voter registration by party issue (Referendum Measure 14) were 60,593 in favor and 164,004 against. The vote on the party caucus and convention proposal (Referendum Measure 15) was 57,324 in favor and 140,299 against. As a consequence, neither measure became law.

In 1934, the Washington State Grange together with the state AFL-CIO and other allies proposed an Initiative to the Legislature, which would amend state law to allow:

"...all properly registered voters to vote for their choice at any primary election for any candidate for each office, regardless of political affiliation and without a declaration of political faith or adherence on the part of the voter."

The petition campaign for this initiative was successful and the measure was presented to the 1935 session of the Legislature. The Legislature adopted the blanket primary proposal, which became Chapter 26, Laws of 1935. As a result, the measure was not referred to the voters at the subsequent general election. However, given the results for the referendum on party voter registration fourteen years earlier, the general expectation was that the blanket primary would have been adopted easily if the Legislature had failed to take any action on the petition.

The major political party leadership immediately challenged the constitutionality of the new blanket primary law in the state courts. In June of 1936, the State Supreme Court upheld the blanket primary statutes (Anderson v. Millikin) and the first blanket primary was held that fall. The state was successfully represented in this action by a young Assistant Attorney General, who was later elected to both the U. S. House of Representatives and the U. S. Senate. His name is Warren G. Magnuson.

In 1978, the blanket primary was again challenged in state courts by one of the major political parties. The arguments in this new challenge were based on U. S. Supreme Court rulings made after the decisions in the 1936 case. However, the State Supreme Court ruled that the newer cases all deal with primary laws that restricted participation and they could not be applied to a the blanket primary because it "encourages and facilitates participation" (Heavey v. Chapman). The Court also ruled that the political party had failed to establish that the blanket primary damaged the party.

Since 1936, there have been sporadic attempts in the state Legislature to replace the blanket primary system with closed or open primaries, but few of these proposals got past consideration by standing committees. In 1964, the Republican Party recommended in its state platform that the blanket primary be replaced with an open primary and the Democratic Party leadership made a similar proposal two years later. In 1977, a representative of the State Labor Council testified before the Legislature on behalf of an open primary law. Two years later (1979), hearings were held in the State Senate on alternatives to the blanket primary.

For many years, Washington was the only state with this unique nominating system for partisan offices. More recently, the blanket primary has been used in Alaska and, in a modified form, in Louisiana. In March 1996, the voters in California adopted an initiative – Proposition 198 – that replaced the closed primary nominating system in that state with a blanket primary. The U. S. Supreme Court invalidated the California initiative earlier this year. California and Alaska have already taken steps to return to the closed primary systems that were previously in use in those states.